

When the Sheep Hits the Fan:

The \$9 Criminal Check with \$1 million liability!

By Sandra Brewer

The Bible warns us in Acts 20:29 “I know that when I am gone, *savage wolves* will come among you who will not spare the flock.” Last year alone, churches paid out \$100 million to settle lawsuits. Most of these churches were performing “national criminal background checks” which gave them a false sense of security that their church and congregations were protected. Without proper education on what is required for background checks, many churches, do not read the “fine print” and know the legal ramifications of incomplete criminal background checks. Now more than ever, churches and leaders need to know the information they are required by law to obtain and how to acquire the complete information. Legally, it is referred to as “due diligence”. (due diligence is the process of checking the accuracy of information provided by an applicant and is at the level of judgment, care, prudence, determination and activity that a person would reasonably be expected to due under a particular circumstance). The most widely used background for churches is a ‘\$9.00 national criminal search’, which can create a \$1,000,000 liability. If you are currently using this check, you and your church are at risk!

Recently, media outlets have uncovered scores of examples of devastating lawsuits and victims across the nation. These stories include:

A large church in the Midwest lost \$100,000 in a lawsuit when only a local criminal check was done. He had resided in other locations not on the application where he had committed previous crimes. The court ruled that negligent hiring took place because of an incomplete background check.

- *What Happened? Every location an applicant has lived must be checked at the court level for real-time court records.*

A congregation settled for \$200,000 after they performed a ‘national criminal database search’ and hired a children’s pastor candidate. He had convictions and a current arrest pending from counties that do not report to a ‘national criminal database’.

- *What Happened? There are over 3100 counties in this United States and only 3% report to the ‘national criminal database’.*

A large national nonprofit organization hired a female applicant who had several convictions for armed robbery and possession of machine guns.

- *What Happened? These convictions occurred in Federal Court, a court that never reports to a national criminal database and isn’t accessed through other court checks.*

What will protect you?

1. Social Security Trace - develops all names and locations lived.
2. County Court Docket searches
3. National Federal Courts Search
4. Nationwide Sex Offender Search - this will not take place of court searches, but is an added assurance. (Caution: this does not report all levels of sex offenders in all states)

You, as a Good Shepherd, can rest assured a "wolf in sheep’s clothing” will not be invading your flock with a thorough criminal background, protecting your flock and the name of Christ in today’s world.